Social Planning Council of Winnipeg

POVERTY BAROMETER

November 2005

Upholding the Rights of Children and Youth In-Care: Does Manitoba Make the Grade?

As reported in the July 2002 Poverty Barometer, "No Holiday from Poverty for Children In Care", most children in the care of Child and Family Services systems begin their adult lives as the poorest of the poor.

At age 18, once all support and involvement from the system is removed, these children are required to become independent, regardless of how prepared they are to manage their own affairs. And, as many find themselves lacking even family supports, many of these new adults pass from system to system, from child welfare to adult welfare, even the justice system.

This barometer is the second in a series that will explore what the effects of life as a child or young person in the care of the child welfare system in Manitoba.

What it means to be "in care"

When a child or young person is "in-care" they are in the child welfare system, cared for on a long-term or temporary basis by persons other than their own parents.

This alternative care situation is meant to provide support and care to children whose parents or legal guardians could not continue to raise them. It is important to note that most parents who become involved with child welfare agencies try very hard to care and provide for their children.

Thank you to Sonia Babyak, Marie Christian, and the VOICES—Manitoba Youth in Care Network for their assistance in the development of this Barometer.

When in care, children and youth can be placed in a variety of settings, such as with extended family members, a foster family, or in a residential care facility (group home). These settings are governed by the Department of Family Services and Housing or private organizations contracted by the Department.

For the creation of "Moving In, Moving On, Moving Out", a guide for youth in care written by the youth in care of Voices-Manitoba's Youth in Care, young people were asked to share some of the feelings they experienced when they first came into foster care:

"I was **angry**. I didn't understand what was going on, I also blamed myself, I thought maybe I had done something wrong." *Pam*

"I felt like no one wanted me. I was just an **outcast**. My mom was just giving me away." *Jacline, 16*

"When I came into care, I felt **alone** and kind of **afraid** 'cause I didn't know what was going to happen..." *Dawn, 17*

"When I first came into care I felt no one really cared about me. I felt **scared** because I was in a home with strangers." *René*

Find the guide at www.voices.mb.ca

CHILDREN AND YOUTH IN CARE IN MANITOBA

In 2004 there was a total of **5,782 children and youth in care** in Manitoba. As the graph below shows, over the past ten years the number of children in care has been increasing in Manitoba. Figure 1 shows the total number of children in the care of child welfare authorities in Manitoba between 1995 and 2004.

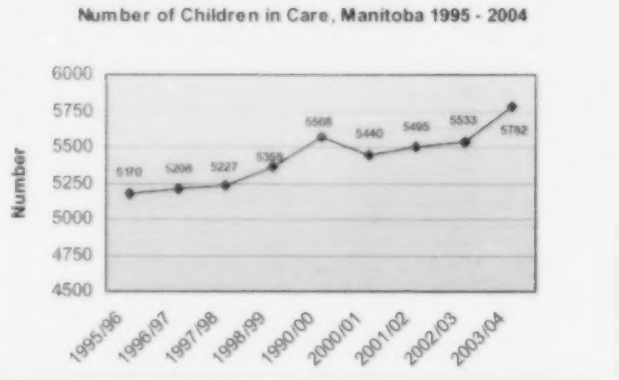
Aboriginal children and youth are overrepresented in the child welfare system. Although they account for only 23% of the child population in Manitoba, they represent more than 80% of children care.[1] As Figure 2 shows, in 2004 only 17% of the children in care were non-Aboriginal.

In Canada, the chances of a First Nations child going into child welfare care are 1 in 17 whereas for non-Aboriginal children it is 1 in 200.

Blackstock, 2004

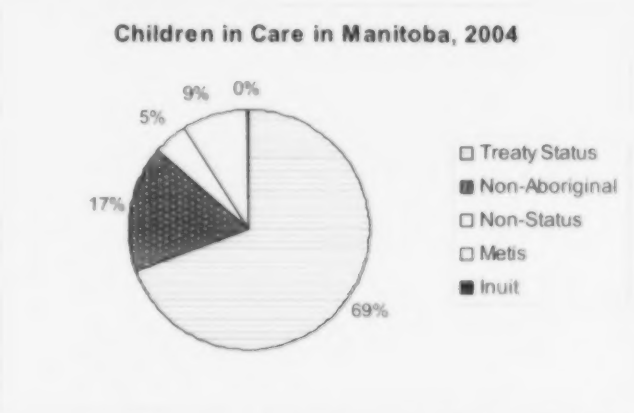
Aboriginal children are also over-represented in the emergency shelter system. The majority of children in care who are placed in emergency settings, such as shelters, are Aboriginal children under 11 years of age. Alarmingly, compared with non-Aboriginal children placed in shelters, a large percentage of these are children 4 or younger.[2]

Figure 1: Number of Children and Youth in Care, Manitoba 1995-2004



Source: Manitoba Office of the Children's Advocate (2002) *Permanent Planning Trend Analysis and Recommendations. Report of the Western Provinces Working Group*. Department of Family Services and Housing Annual Reports 2002/03 and 2003/04.

Figure 2: Children in Care in Manitoba by Aboriginal Status, 2004



Source: Department of Family Services and Housing Annual Report 2003/04.

References

[1] Blackstock, Cindy (2004). *Aboriginal Child Welfare In Canada Aboriginal Peoples: Caring for their Children*. First Nations Child and Family Caring Society of Canada.

[2] Janet Mirwaldt, Jill Perron, Susan Thomas (2004). *Review of the Operation of the Winnipeg Child and Family Services Emergency Assessment Placement Department Shelter System*.

[3] http://www.unicef.org/crc/crc.htm.

[4] *Kathleen Kufeldt, editor, and Brad McKenzie, editor (2003). Child Welfare: Connecting Research, Policy, and Practice*. Wilfrid Laurier University Press: Waterloo, ON.

WHAT ARE THE RIGHTS OF CHILDREN AND YOUTH IN CARE?

Rights are the things we should be provided with, protected from, and given the opportunity to participate in that help us grow and develop to our best potential.

Right Way, Save the Children Canada

Canada has signed and adopted a number of national and international treaties that stipulate the basic rights to children and youth. Children of peculiar circumstances, such as children living in care, have additional rights acknowledged by the government to ensure they are provided with what they need, protected from things or people who would cause them harm, and given the opportunity to participate in activities that enhance their chances of growing and developing to their best potential.

United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child (UNCRC) sets out fundamental rights that protect all children, especially those separated from their birth parents. These rights affirm a child's right to survival, to develop to their fullest potential, to protection from harmful influences, abuse and exploitation, and the right to participate fully in family, cultural and social life.[3]

Many children and youth in care are not aware that they are protected by this very special set of rights. All children and youth who are not aware of their rights are at risk of being exploited, but kids in care are at an even greater risk because many exist, vulnerable and frightened, in the homes of strangers, behind walls of stigma and shame.

Child and Family Services Act

Under Manitoba's Child and Family Services Act, children and youth in care have the right to:

- Know their rights
- Know who their social worker is
- A safe home, free from neglect, sexual abuse, physical abuse, and emotional abuse
- Protection from corporal punishment
- Have basic needs met
- Personal space and privacy
- Participate in decisions affecting their lives
- Live in an environment of respect and acceptance where their spiritual, cultural, and religious beliefs are accepted and respected
- Special care, protection, and education if they are living with a disability
- Be treated like any other parent if they are a minor parent
- Receive services that respect their unique status if they are of Aboriginal ancestry.

They are also entitled to:

- See their parents, siblings and family if it is not a safety issue.
- Know the rules and what is expected of them in the group home, foster home, etc. before they are given consequences.
- Know and make an appeal if they are placed on the Child Abuse Registry by Child and Family Services.

The table on the following pages outlines how the Government of Manitoba has fared in assuring the rights of children in care.

[5] Cindy Blackstock, Sarah Clarke, James Cullen, Jeffrey D'Hondt, Jocelyn Formsma (2004). *Keeping the Promise: The Convention on the Rights of the Child and the Lived Experiences of First Nations Children and Youth.* First Nations Child and Family Caring Society of Canada.

HOW DOES MANITOBA MEASURE UP WHEN IT COMES TO ENSURING THE RIGHTS OF CHILDREN AND YOUTH IN CARE?

The family generally has the responsibility for their children's development. When children are in care, it becomes the responsibility of the government to provide the foundations for their lifelong well being. The government, who has assumed responsibility for the care and well-being of these children, must instill within each child the essentials to creating their self-worth, especially a healthy start into adulthood.

Rights of Children (Convention on the Rights of the Child and the Child and Family Services Act)	**Children in Government Care**
All children have the right to a standard of living that meets their basic needs. The UNCRC states that this includes food, clothing, a safe place to live, a good quality education, and to have their basic needs met (Articles 24,27). Children in care have the right to basic needs met regardless of where they live. This includes food, clothing, shelter, medical and dental care needs, educational needs, and counseling and/or support services.	• Maintenance allowances paid to foster parents to cover the costs of taking care of a child in care, have not increased with the cost of living and barely cover the costs of a child's maintenance.[4] In Manitoba foster care rates range from $559 per month to $685 depending on age. The cost of caring for a ten year old child, according to the Government of Manitoba's is $9635/year. The maintenance rate for children in care is $6720 - **a difference of $2915.** • Parents encourage their children to strive for personal best in their education. When in care, school attendance for youth is inconsistent at best, with almost one third of the children no longer attending school after admission to shelters.[2] • When children and youth are taken into care they may be placed in an entirely new community and have to attend a new school. It is not uncommon for them to be moved many times between homes and communities, which is disruptive for their education and network of social support.
The government has a responsibility to make sure children's rights are protected. Governments should help families to protect children's rights and create an environment where children can grow and reach their potential (Article 4). Child welfare agencies must provide services to families to prevent the placement of children in protective care, such as education, counseling, child care, etc. Once in care, children have the right to a safe home, free from neglect, sexual abuse, physical abuse, and emotional abuse.	• Parents strive to raise their children in stable, secure, and mutually supportive environments where validation and loving, affirming words help to form the child's character. • Many parents do not receive the supports necessary to ensure their children are cared for and protected. Most child protection investigations result in minimal or no supportive services being provided to families.[4] Often times families only receive the support and services they need after their children have been apprehended or placed in care. • Once in care, many children can feel like boarders who only are tolerated in their foster home.

Rights of Children (Convention on the Rights of the Child and the Child and Family Services Act)	**Children in Government Care**
Children have the right to practice their own culture, language and religion – or any they choose. Minority and Aboriginal children and youth need special protection of this right (Article 30). Children in care have the right to live in an environment of respect and acceptance. To have their spiritual, cultural, and religious beliefs accepted and respected. Aboriginal children, youth and their families have the right to receive services that respect their unique status as aboriginal people, meaning they may exercise rights as provided under the Indian Act, receive services from a First Nations Agency, and live with people who respect the culture, to speak their language and follow their culture.	• Children learn about their cultural and personal identity through communication and interaction with immediate and extended family members as well as their community. When children and youth are in care and separated from their families and communities, their connection with their culture is often disrupted. It is critical for Aboriginal children and youth to be placed in settings where this connection can be maintained and supported. • There are not enough culturally appropriate placements for Aboriginal and minority children and youth.[2] It is not known how many are actually placed in settings that respect their cultural rights because most provinces do not collect this type of information.[5] • Under the Aboriginal Justice Inquiry – Child Welfare Initiative, four child welfare authorities in Manitoba have been created. This was in recognition of the fact that Aboriginal children and families were not being well served by mainstream agencies and practices. This new system is meant to support cultural growth and identity among Aboriginal and Metis children and youth.
Children and youth have the right to get information that is important to their well-being. Adults should help them find and understand the information they need (Article 17). Children and youth have the right to give your opinion, and for adults to listen and take it seriously. Children and youth in care have the right to know who their social worker is and how to contact him or her. They have the right to speak to their social worker on a regular basis.	• Many parents recognize their primary function is just to be there: to listen, to give advice, and to be present. Often, youth in care are unsure of who their social worker is or due to time constraints and case loads are unable to build a relationship with their social worker. • Social workers struggle with high case loads which makes it difficult for them to provide the attention and support that children and youth may require. Social workers within Winnipeg Child and Family Services can at times have around 50 cases (Moving In, Moving On, Moving Out).
Children have the right to know their rights. Adults should know about these rights and help children to learn about them too (Article 29). Children in care have the right to speak with an advocate and have that advocate help them.	• Many children and youth in care report not being informed or aware of their rights. We need to ensure procedures for communicating their rights are in place.

WHO'S IN CHARGE IN MANITOBA?

In Manitoba, the provincial government sets the laws and policies related to child welfare and provides funding. The system itself is divided into Four Authorities: Northern, Southern, Métis, and General. Individually, they design, mandate and manage their service delivery system.

Each of the Authorities operate a number of child welfare agencies that develop, deliver, and manage programs and services. When children are placed or taken into care, they are under the guardianship of individual agencies that become responsible for their care and maintenance.

The agencies are responsible for all decisions that affect the lives of children and youth in their care. For example, these agencies act as legal guardians and act on behalf of children with schools, court, and health care systems.

OUR RECOMMENDATIONS:

- Maintenance rates for foster parents should be reviewed to ensure adequate and reasonable care of children and youth.
- Children and youth in care must be made aware their rights, especially at age 12, when there are more opportunities for them to be involved in decisions affecting them.

Past Issues of the Poverty Barometer

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No Holiday from Poverty for Children in Care, July 2002

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Summer Learning Loss: Some children miss out on much more than just summer camp, September 2004

Food Security: Children's Rights Denied!, October 2004

Food Security and Nutrition: Too many families can't afford the food they need to be healthy, March 2005

Part II of this Barometer exploring the issues facing children coming into care, being in care, and leaving care will be released in the Winter/Spring 2006.

WHAT YOU CAN DO

Be informed and inform others. Talk to people in your family, community, workplace, or school about the issue. Call, email, or write your MLA to let them know you are concerned about this issue and what you think must be done.

Poverty Barometer is an occasional publication of the Social Planning Council of Winnipeg.

The mission of the Social Planning Council of Winnipeg is to provide action-oriented leadership in social planning and effecting social policy changes.

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